

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:07CR3164
	)	
Plaintiff,	)	<b>MEMORANDUM</b>
v.	)	<b>AND ORDER</b>
	)	
AGUSTIN MORALES-MATA,	)	
	)	
Defendant.	)	

This matter is before the court on a report and recommendation by Magistrate Judge Piester (filing 30) and on the defendant's statement of objections (filing 35),<sup>1</sup> filed pursuant to NECrimR 57.3 and 28 U.S.C. § 636(b)(1). Judge Piester is recommending that the defendant's motion to suppress (filing 18) be denied in all respects. The defendant, Agustin Morales-Mata, only objects that "[t]he Magistrate erred in his conclusion of law that Trooper Frye was objectively reasonable in believing there was probable cause to stop the vehicle for failing to display visible evidence that the vehicle was properly registered." (Filing 35, ¶ 1.)<sup>2</sup>

I have conducted a de novo review of the record. I find that inasmuch as the Magistrate Judge has fully, carefully, and correctly found the facts and applied the

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<sup>1</sup> The report and recommendation is also made with reference to a motion to suppress filed in Case No. 4:07CR3166, *United States v. Yesenia Sanchez*. A joint evidentiary hearing on the motions to suppress was conducted by Judge Piester on February 28, 2008.

<sup>2</sup> In addition to finding that there was probable cause for the traffic stop, Judge Piester determined that the defendant was lawfully detained and questioned by the state trooper and also that the defendant voluntarily consented to a search of the vehicle after the traffic stop was concluded.

law, the report and recommendation should be adopted and the defendant's statement of objections and motion to suppress should be denied in all respects.

Accordingly,

IT IS ORDERED that:

1. the Magistrate Judge's report and recommendation (filing 30) is adopted;
2. Defendant's statement of objections (filing 35) is denied; and
3. Defendant's motion to suppress (filing 18) is denied in all respects.

March 26, 2008.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge